

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



In re Application of :  
Kyung-Ho Min :  
Serial No. 10/630,721 :  
Confirm. No. Unassigned :  
Filed: July 31, 2003 : Customer No.: 34610

For: APPARATUS AND METHOD FOR INCREASING CHANNEL CAPACITY OF  
A MOBILE COMMUNICAITON SYSTEM

**SUBMISSION OF SUBSTITUTE DECLARATION**  
**AND POWER OF ATTORNEY**

U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

Sir:

Enclosed is a Substitute Declaration correcting an error in the original Declaration and Power of Attorney. The error misidentified the priority document to which the present application claims benefit under 35 U.S.C. § 119. The Substitute Declaration correctly claims benefit to Korean Patent Application 48420/2002, filed August 16, 2002. A certified copy of this priority document was submitted with the original application papers.

With the filing of the Substitute Declaration, it is submitted that acknowledgment of the priority claim to Korean Patent Application 48420/2002 is proper.

If any fees are required, please charge them to Deposit Account No. 16-0607 and advise the undersigned accordingly.

Respectfully submitted,  
FLESHNER & KIM, LLP

A handwritten signature in black ink, appearing to read 'Daniel Y.J. Kim', written over the firm name.

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**Date: September 12, 2003**

**Please direct all correspondence to Customer Number 34610**



Docket No: P-0531

## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled APPARATUS AND METHOD FOR INCREASING CHANNEL CAPACITY OF A MOBILE COMMUNICATION SYSTEM, the specification of which

( ) is attached hereto (X) was filed on July 31, 2003 as Application Serial No. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):  
Number

Country

Foreign Filing Date  
Month/Day/Year

48420/2002

Korea

August 16, 2002

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)

Filing Date(Month/Day/Year)

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application Designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Prior U. S. Application  
or PCT Patent Number

Filing Date(Month/Day/Year)

Parent Patent Number(if application)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) and/or agent(s): Daniel Y.J. Kim, Registration No. 36,186; Mark L. Flesher, Registration No. 34,606; Carl R. Wesolowski, Registration No. 40,372; John C. Eisenhart, Registration No. 38,12; Donald R. McPhail, Registration No. 35,811; Carol L. Drizbick, Registration No. 40,287; Anthony H. Nourse, Registration No. 46,121; Laura L. Lee, Registration No. 48,752; Rene A. Vazquez, Registration No. 38,647; Timothy M. Spear, Registration No. 47,355; Samuel W. Nitros, Registration No. 39,318; Mark R. Roeder, Registration No. 35,006; and Daniel H. Sherr, Registration No. 46,425; Tyler S. Brown, Registration No. 36,465; John L. Cincuzzi, Registration No. 48,984; and Steven J. Helmer, Registration No. 40,475; and Mark E. Olds, Registration No. 46,507, all of

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with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all further correspondence should be addressed to them

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